IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE 2ND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23844 of 2003

Between:

1 Md. Samdhani-E. 651387, S/o. Md. Aziz, Working as Driver in APSRTC, Kakinada Depot.
2 G.Venkata Reddy - E. 651309, S/o.Narsimha Reddy, Working as Driver in APSRTC at Nellore Depot.
3 N.Yadagiri - E. 651356, S/o. Venkataiah, working as Driver in APSRTC, Janagaon Depot,
Warangal District.

..... PETITIONERS

AND

1 The Vice-Chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2 The Regional Manager, A.P.S.R.T.C., Warangal Region, at Warangal, Warangal District.
3 The Depot Manager, A.P.S.R.T.C., Kakinada, East Godavari District.
4 The Depot Manager, A.P.S.R.T.C., Nellore, Nellore District.
5 The Depot Manager, A.P.S.R.T.C., Jangaon, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in disengaging the Petitioners from service as Drivers and further declare the action of the respondents in not regularizing the services of the petitioners as Driver Grade II from the date of their initial appointment is illegal, arbitrary and consequently direct the respondents to regularise the services of the Petitioners as Grade II Drivers in APSRTC with all consequential benefits forthwith.

Counsel for the Petitioner:MRC.RAJA SEKHAR REDDY

Counsel for the Respondent No.: SMT.G.JYOTHI KIRAN, STANDING COUNSEL FOR APSRTC.

The Court made the following :

O R D E R:

The facts of the case in brief are that petitioners 1 to 3 were appointed as Casual Drivers of the Andhra Pradesh State Road Transport Corporation with the Heavy Motor Vehicle on 11.04.2000, 31.03.2000 and 25.04.2000 respectively and worked for a period of 450 days without any complaints from their superiors. As the respondents did not include the names of the petitioners for regularization of their services and dis-engaged their services, this writ petition is filed.

The respondents filed counter stating that on 29.04.2000, as the 3rd petitioner who was engaged as casual Driver of the Corporation at Jangaon Depot was not attending to duties, his name was deleted from the panel vide notification No.P3/465(20)/2001-RM:WL, dated 21.10.2001. Therefore, the 3rd petitioner is no more in the panel of Daily Wage Drivers and he cannot claim any employment in the Corporation. Insofar as petitioners 1 and 2 are concerned, their services will be engaged depending upon the requirement and on the slack season they will be disengaged on par with others. It is further stated that the services of the petitioners will be regularized duly following the seniority and as per the sanctioned vacancy position on par with others.

Heard both the learned counsel.

In view of the above facts and circumstances of the case, the writ petition is dismissed insofar as the 3rd petitioner is concerned, as he has not questioned the notification, dated 21.10.2001. Insofar as the petitioners 1 and 2 is concerned, the

respondents are directed to engage them on par with other employees and consider their case for regularization of their services, keeping in view of their seniority and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

02.11.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The vice chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

2. The Regional Manager, A.P.S.R.T.C., Warangal Region, at Warangal, Warangal District.

3. The Depot Manager, APSRTC, Kakinada, East Godavari District.

4. The Depot Manager, A.P.S.R.T.C., Nellore, Nellore District.

5. The Depot Manager, A.P.S.R.T.C., Janagaon, Warangal District

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